IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 561 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
FEBRUARY 07, 2006.

Heard Shri Nigot, learned counsel for the petitioner and Shri Sundaram, learned counsel for the respondent.

The petitioner challenges the order dated 26.9.2005 passed by the appellate authority under Section 7(1) of Employees Provident Fund and Miscellaneous Provisions Act, 1952, rejecting the prayer for condonation of delay in filing appeal before it, made by the petitioner, on the ground that law permits it to condone delay at the most up to 120 days from the date of order. Similar provision appearing in Payment of Gratuity Act, has been considered by this Court in the case of Cancer Relief Society vs. Assistant Commissioner, Labour, judgment reported at 2004 (3) Mh.L.J. 572, and it

has been held that delay beyond 120 days cannot be condoned. No exception, therefore, can be taken to the impugned order.

There is no perversity or jurisdictional error. However, the petitioner is at liberty to take appropriate steps in the matter.

Writ Petition is, therefore, dismissed. No order as to costs.

JUDGE

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